IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.3738 OF 2005

Shamrao Dadu Hujare & Ors. : Petitioners

V/s.

Maruti Ganpati Borate & Ors. : Respondents

...

Mr.P.G.Karande with Mr.V.B.Jagdale for the petitioners.

Mr.A.M.Kulkarni for the respondent no.2.

Mr.A.H. Palekar, Asstt. Govt. Pleader for the respondent nos.3 to 5.

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WITH

WRIT PETITION NO.9123 OF 2004

Ganpati Yeshwant Borate : Petitioner

V/s.

Shri Shamrao Dadu Hujare & Ors. : Respondents

...

Mr.A.M.Kulkarni for the petitioner.

Mr.P.G.Karande with Mr.V.B.Jagdale for the respondent nos.1 to 39.

Mr.A.H. Palekar, Asstt. Govt. Pleader, for the respondent no.41.

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CORAM : S.A. BOBDE, J.

October 3, 2005.

P.C.:

1. Rule, returnable forthwith.

The learned counsel for the respective respondents waive service of rule.

Heard by consent.

2. The dispute between the parties is as to the entitlement of the petitioners to the land which was allotted to them upon its formation as a co-operative society. The matter was pending in revision before the State Government where it appears that the Chief Minister directed that stay granted by the Minister who was hearing the revision be vacated.

3. Admittedly, till now no formal order vacating stay has been made. The learned counsel for the petitioners submits that without giving any notice, the officers of the Government approached the petitioners for taking over possession of the land.

4. Having regard to the fact that substantive rights are pending in revision before the Principal Secretary and

Officer on Special Duty (Appeal and Revision) under section 247 of the Maharashtra Land Revenue Code, I consider it appropriate in the interest of justice to direct the Principal Secretary to decide the revision in question within a period of six weeks from the date the parties appear before the Principal Secretary to whom the said revision is assigned. The parties are directed to appear before the Principal Secretary on 10.10.2005. All contentions of the parties are kept open.

5. Pending revision, status quo as regards possession shall be maintained.

6. The rule stands disposed of in the above terms.

Sd/-

S.A. BOBDE, J.